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October 21, 2008

**via FAX 973-645-4549**  
Honorable Peter Sheridan  
United States District Court  
District of New Jersey  
M.L.King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: Suresh Badrinauth v. MetLife et al.**  
**Civil No.: 04-2552 (JAG)**

Honorable Sir:

*So Ordered*  
*Peter H. Sheridan*  
*10/21/08*

We are scheduled to have a telephone status conference with Your Honor tomorrow at 10:00 a.m. We have been waiting since the spring in the New Jersey Supreme Court to decide the *Tartaglia* case, as it is anticipated that it will address the essential elements of a valid *Pierce* claim, which is the issue in this matter.

I am content to continue to wait for the New Jersey Supreme Court to rule, on the other hand, in a case which had a similar posture which we were arbitrating in front of JAMS, the Honorable John C. Lifland (RET) decided, after some months of holding a motion in abeyance, to rule on the motion using his analysis of the present state of the law. I would not be adverse to Your Honor following that course of action either.

I have a court-ordered deposition tomorrow and it will be difficult for me to arrange this telephone conference if Your Honor believes that it needs to go forward, and I ask that Mr. O'Keefe take on that responsibility.

Respectfully,  
COTZ & COTZ  
*George J. Cotz*  
George J. Cotz  
*dictated but not read*

GJC/jlg  
cc: Joseph O'Keefe, Esq.